

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on



July 29, 2003

Date of Deposit

Gregory H. Zayia - Reg. No. 48,059

Name of Applicant, Assignee or
Registered Representative

Gregory H. Zayia
Signature
July 29, 2003
Date of Signature

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Our Case No.: 3086/1285 (BH 2084)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James R. Mayne et al.

Examiner: To Be Assigned

Serial No.: 10/061,998

Group Art Unit No.: 1651

Filing Date: January 31, 2002

For: Topical Anti-Inflammatory
Compositions and Methods of
Reducing Inflammation

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this First Supplemental Information Disclosure Statement be entered and the documents B1-B10 listed on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R.

§ 1.98(a)(2) are enclosed for the convenience of the Examiner. A copy of the International Search Report is also enclosed.

In accordance with 37 C.F.R. § 1.97(g),(h), this First Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This First Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this First Supplemental Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this communication, the Commissioner is hereby authorized to deduct the fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

In accordance with 37 C.F.R. § 1.97(e)(1), Applicants hereby certify that each item of information disclosed in this First Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of the present statement, as evidenced by the date of the enclosed International Search Report.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted.



Gregory M. Zayia
Registration No. 48,059
Agent for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200



| | | |
|--------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| FORM PTO-1449 | SERIAL NO. 10/061,998 | CASE NO. 3086/1285 (BH 2084) |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT | FILING DATE January 31, 2002 | GROUP ART UNIT 1651 |
| (use several sheets if necessary) | | APPLICANT(S): James R. Mayne et al. |

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS/ SUBCLASS | FILING DATE |
|---------------------|--------------------|------|------|--------------------|----------------|
|---------------------|--------------------|------|------|--------------------|----------------|

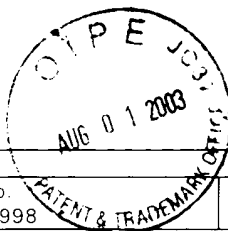
FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION YES | NO |
|---------------------|--------------------|-------------------|------------|--------------------|--------------------|----|
| | B1 | 2000-212060 ✓ | 08/02/2000 | JP | | X |
| | B2 | 2001-261570 ✓ | 09/26/2001 | JP | | X |
| | B3 | WO 01/02028 A2 ✓ | 01/11/2001 | PCT | | X |
| | B4 | EP 0 992 236 A1 ✓ | 04/12/2000 | EPO | | X |

| EXAMINER INITIAL | OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.) | |
|---------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| | B5 | English Abstract No. XP-002239068 of RU 2145839 to N. V. Nazarova et al. published February 27, 2000. |
| | B6 | English Abstract No. XP-002239069 of JP 2000 212060 to Hiroshi Tanaka published August 2, 2000. |
| | B7 | English Abstract No. XP-002239072 of RU 2089178 to S. N. Belov published September 10, 1997. |
| | B8 | English Abstract No. XP-002239070 of JP 2001 261570 to Kumi Kameyama et al. published September 26, 2001. |
| | B9 | English Abstract No. XP-002239071 of JP 5194176 to Mieko Nishida et al. published August 3, 1993. |
| | B10 | English Abstract of JP 63280006 to Yakult Honsha Co. Ltd. Published November 17, 1988. |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



1651

| | | | |
|---------------------------------------------------------------------------------------------------|---------------------------------|----------------------------|------------------------------|
| TRANSMITTAL LETTER | | | Case No. 3086 1285 (BH 2084) |
| Serial No. 10 061,998 | Filing Date January 31, 2002 | Examiner To Be Assigned | Group Art Unit 1651 |
| Inventor(s) James R. Mayne et al. | | | |
| Title of Invention Topical Anti-Inflammatory Compositions and Methods of Reducing Inflammation | | | |

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate), First Supplemental Information Disclosure Statement (in duplicate), Form PTO-1449, Ten (10) Cited References (B1-B10), Copy of International Search Report, and Return Postcard.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a _____ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

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| | | | | | Small Entity | | or | Other Than Small Entity | |
|-------------------------------------------|----------------------------------|-------|---------------------------------|---------------|-----------------|-----------|----|-------------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | | Rate | Add'l Fee |
| Total | | Minus | | | x \$9 = | | | x \$18 = | |
| Indep. | | Minus | | | x 42 = | | | x \$84 = | |
| First Presentation of Multiple Dep. Claim | | | | | + \$140 = | | | + \$280 = | |
| | | | | | Total add'l fee | \$ | | Total add'l fee | \$ |

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$ _____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☐ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Gregory Zayia
Gregory H. Zayia
Registration No. 48,059
Agent for Applicants
Customer No. 28533 - Alticor

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Gregory Zayia